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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF GILLIAN HERRERA
IN SUPPORT OF PLAINTIFF'S MOTION
TO SHOW CAUSE WHY DEFENDANT
CITY OF PORTLAND SHOULD NOT BE
HELD IN CONTEMPT

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING REQUESTED

I, Gillian Herrera, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. On June 25, 2020, I attended a protest in Northeast Portland. I joined the demonstration around 8 pm. We started at Fernhill Park and marched down Ainsworth and MLK toward the Portland Police North Precinct, arriving at the precinct around 9 pm. The protesters wanted to gather near the precinct in order to directly voice their grievances about police brutality toward Black people and be heard by the officers patrolling our neighborhoods.
3. After we gathered near the North Precinct, protesters peacefully assembled on MLK. There were people chanting, giving speeches, there was music, and there were announcements being made telling the crowd that this was a peaceful, non-violent protest. There was a potlatch ceremony happening at a parking on the corner of MLK and Emerson. Potlatch is a religious ceremony protected by the American Indian Religious Freedom act practiced by indigenous groups in the Pacific Northwest. It involves giving out of food and other peaceful practices.

There were signs set up all around the parking lot explaining the purpose and status of this ceremony. It was entirely peaceful and separate from the main group of people standing on MLK.

4. I did not throw anything, start any fires, or engage in any acts of violence or property damage. After a couple of hours of protesters standing on MLK near the precinct, officers rushed the protesters with batons and firing munitions including rubber bullets, black pellets that released pepper spray cannisters into the crowds.

5. Prior to PPB initiating force, I had not seen any fires and had not seen anyone throwing anything in the direction of the precinct. Prior to PPB initiating force, I saw a few people tagging the precinct. Prior to PPB initiating force, I saw a few people setting up barricades on MLK to prevent cars from injuring the protesters. Then, PPB initiated force on the crowd of people simply standing on MLK.

6. PPB started rushing people with batons and firing impact munitions, including those that release pepper spray into the crowd. I saw people taking off their facemasks, coughing, with their eyes and noses watering out of control. I helped administer first aid to people.

7. After PPB initiated force, I saw that a dumpster was on fire. I also saw and heard that a wood board over the window of a Black-owned beauty salon on MLK was set on fire. This was announced by protesters via a loudspeaker, protesters called for this fire to be put out, and it was put out by protesters within a few minutes of it starting. At no point did I see or hear about the precinct being set on fire. None of the fires started prior to PPB initiating force on the peaceful crowd of protesters.

8. PPB started to and continued to assail protesters gathered peacefully on MLK with tear gas. Even though a small fire was started in the area and quickly extinguished, the vast majority of people there, including me, had done nothing beyond stand on the street, march, and exercise our

freedom of speech. Despite this, officers unleashed tear gas upon the entire crowd.

9. I was hit with tear gas and impact munitions as I had my back turned on the officers and was walking away with my arms up in the air. They shot me from about five feet away with black rubber pellets that exploded on my skin upon impact and released pepper spray. They hit me on my thigh and my butt, leaving lasting bruising and pain.

10. I was wearing a backpack with a big red cross on it. I was there that day as a medic to give aid to protesters hit with tear gas. Despite this, officers shot me as I was walking away.

11. I witnessed many protesters get hit with munitions and batons and knocked to the ground. I witnessed another protester get hit directly in the leg from point blank range. A PPB officer walked up to him, put his gun against his leg, and fired.

12. I also witnessed PPB use tear gas to scatter crowds of protesters who were not engaged in any acts of violence or property damage, who were just in the area. I saw tear gas being used to scatter the crowd.

13. I saw PPB officers fire munitions, including what appeared to be tear gas, into the parking lot on MLK and Emerson where the potlatch ceremony by indigenous groups was taking place. I saw members of the potlatch ceremony attempting to hide from the gas behind cardboard signs, as the entire lot was fired upon with impact munitions, officers rushed in and scattered or confiscated the materials used for the ceremony. This was highly alarming to me because the people in that parking lot had been peacefully engaging in a religious ceremony and had done nothing to instigate this use of force against them.

14. I was stunned and shocked by the use of force and that law enforcement officers seemed to be targeting people's heads and vital organs with their weapons.

15. I have photos and videos documenting PPB use of force against the crowd as well as my own injuries.

16. I believe in the continued importance of the protests and would like to attend protests in the future. I worry that I will be injured again. I have been attending protests since they started on May 29, 2020. It is important to me to express my disapproval of systemic racism and the killing and state brutality experienced by my BIPOC friends and neighbors. However, being repeatedly tear gassed and now being hit with impact munitions at close range, I fear for my life and safety while protesting.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 29, 2020.



Gillian Herrera (Jun 29, 2020 16:21 PDT)

Gillian Herrera